

1. Applicant's election with traverse of species A in the reply filed on 11/28/2007 is acknowledged. The traversal is on the ground(s) that condition (2) of MPEP 1893.03 has not been met. More specifically, an explanation of why there is no single general inventive concept or absence of a unique special technical feature. This is not found persuasive because in either condition a) presence of a single general inventive concept or b) presence of a unique special technical feature, the claim at issue must be allowable over the prior art of record. This is not the case. See paragraphs 4-6 below. Since neither a single general **inventive concept** or a unique **special technical feature** is present in the generic claim 1, restriction is proper in the case.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1-2, 4, and 14 read on the elected species A and an action on these claims follows. Claims 3, 5-13, and 15-16 are withdrawn from consideration as being directed to non-elected species. Claim 17 has been cancelled. Note that the limitation of claim 13 directed to "means for suspending the bin centrally within the fuselage" is not descriptive of the elected embodiment (species A). Further, note that the limitation of claim 15, directed to "one or more pressure relief valves ... to preferentially fill one container" is not descriptive of the elected embodiment (species A).

2. Claims 1 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. In claim 1, line 6; and in claim 4, line 2; the phrase "such as mineral wood" makes the claim indefinite as to what materials would be included or excluded by such terminology. In claims 2 and 4, use of the phrase "characterised in" makes the claim indefinite because apparatus

claims must positively claim the structure and interaction thereof and not some characterization thereof. In claim 14, line 2; how are the claimed containers intended to relate to the previously claimed containers (see claim 1, line 4)? Please clarify. In claim 4, how are the “one or more layers of fibrous material” intended to relate to the previously claimed structure? Is this intended to further limit the fibrous material of claim 1 or some other layer claimed in claim 1? Please clarify.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Parks et al. (350).

6. Parks et al. (350) disclose a blast suppression bin comprising:

- a) an inflatable container and closure means; see fig. 8
- b) an inner layer for holding water, nitrogen, etc.; 22 (inner layer)
- c) an outer layer of ballistic-grade material; 22 (outer layer) or
23 (col. 7, lines 9-30;
col. 3, lines 9-15)
- d) nitrogen gas; col. 11, lines 10-20
- e) polythene bags; and col. 7, lines 5-8
- f) inlet valves. see fig. 4

Further, note that there is no requirement that water, gas, or fibrous materials be present (at least in claim 1) in view of the fact that these items have not been positively claimed. Rather, they have been claimed as “containers for holding” and “water or gas fillable”.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parks et al. (350) in view of Pepin (723).

9. Parks et al. (350) apply as previously recited. However, undisclosed is a blast resistant filler material that constitutes one or more fibrous material layers. Pepin (18, col. 3, lines 11-33) teaches a blast resistant filler material that constitutes one or more fibrous material layers.

Applicant is substituting one type of filler material for another in an analogous art setting as explicitly encouraged by the primary reference (see col. 7, lines 31-40 of Parks et al.) with expected or predictable results. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Pepin to the Parks et al. blast suppression bin and have a blast suppression bin with a different type of ballistic filler material.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877 and whose e-mail address is (Stephen.Johnson@uspto.gov). The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.

/Stephen M. Johnson/
Primary Examiner, Art Unit 3641

Stephen M. Johnson
Primary Examiner
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SMJ
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